IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4393 OF 2006

Rajendra Shah & Ors. .. Applicant.

V/s.

State of Maharashtra .. Respondent.

Shri. Maheen Pradhan for the apllicant.

Shri.S.S.Pednekar, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18TH DECEMBER, 2006.

P.C.:

1. At the outset, Mr.Pradhan does not press this application as far as the applicant No.1 Rajendra Shah is concerned. The application is dismissed as withdrawn. This does not prevent the applicant No.1 from applying for bail before the regular court. All contentions in that behalf are kept open. As far as the applicants 2 to 5 are concerned, Shri.Pradhan submits that the applicant Nos.2 to 5, there is no overtact save and except, taking the

complaintant to the premises and giving alleged threat. Even the threat is not by the applicant No.2 but 3 to 5. The assault by a belt is by applicant No.1 allegedly. The applicant Nos.2 to 5 are not alleged to have committed other acts. The same are attributed to applicant No.1. Beyond taking the complainant to the godown, there is no other role attributed to these applicants.

2. In these circumstances, it is not shown as to why their custodial interrogation is necessary. More so, the applicants allegedly confined the said complainant in godown. However, the complainant resumed the duties on the next day. In such circumstances, and when nothing incriminating is recovered so also there being no likelihood of their absconding or not available during the course of investigation, they deserve pre-arrest bail.

3. Hence, the following order : -

i) In the event of the arrest of applicant in connection with C.R.No.700 of 2006 registered with Malad Police Station, the applicant Nos.2 to 5, namely Sandeep K. Shah, Ranjeet Ramdan Charan, Lalit Khandelwal and Kansing Deora respectively

shall be enlarged on bail in the sum of Rs.10,000/- each (Rs.Ten thousand only) with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender their passport, if any, to the I.O. Applicants shall not leave Mumbai city without permission of trial court. The applicants shall report to the concerned police station once a week on every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall

not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will ensure to the benefit of the applicants only till chargesheet is filed. Thereafter, they will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)